

September 1, 2020

To: Flathead County MT Board of Adjustment

Re: Comment on Rob Koelzer, Schellinger Construction Co. Application for concrete and asphalt batch plants

This application before the Board of Adjustment should be denied for the following reasons.

This application states the proposal presented to the WVLUAC “had no immediate plans to bring a portable concrete batch plant but wanted the opportunity to consider that in the future.”

How can the County approve something for which there is no “concrete” plan?

The existing business was permitted based on the agreement that there would never be an asphalt and concrete plant based on known adverse impacts to residential areas and the quality of air, water and noise in the Flathead. A generation later, when many of the concerns over allowing such a use have increased, the applicant is hoping the County will have forgotten that agreement?

Not only do asphalt and concrete plants pose hazards to residential neighborhoods where folks chose to live because of the pristine surroundings, in my experience with asphalt and concrete batch plants in Illinois, they quickly become dumping grounds. In addition, the noise, vibration impacts and air quality issues are not controllable once they are allowed – regardless of what it says on paper – it is impossible to contain once the plant is operating. History teaches us that containment tanks and efforts often fail. Is the County ready for a superfund site? To say that additional noise is ok because its already noisy is not an endorsement supported by facts that protect the community and the valley from adverse impact. The introduction to tolerate air and water contamination requires a far more stringent analysis of facts based on the specifics of a batch plant, not a foothold in the door for the future.

Why would the County not honor the agreement based on the findings of more than a decade ago that took all these precautions into account and are even more true today?

Please deny this batch plant application at this time as incompatible in this residential district and in the Flathead Valley in general, until more findings of fact are presented.

Sincerely,
Mary T. McClelland
(815) 482-7404
500 Sloan Lane PO Box 77
West Glacier, MT 59936



Mary Fisher

From: Skip Via <skipvia@me.com>
Sent: Tuesday, September 1, 2020 12:39 PM
To: Mary Fisher
Subject: West Valley asphalt plant proposal

To all it may concern;

Here's hoping that they Board of Adjustment will do the honorable thing tonight and uphold the 2010 conditional use permit that specifically forbade establishment of an asphalt processing plant on Farm to Market Road. You are aware of the myriad of concerns about this possibility—increased traffic, disruption to wildlife in a critical migratory areas for birds, and a disruption of the rural setting and way of life of the current and potential residents who expect their leaders to abide by the rules. The applicant for reconsideration has other places on which to build this plant that are less disruptive to humans and wildlife and should not be granted an exception to the original ruling.

Thank you for your attention.

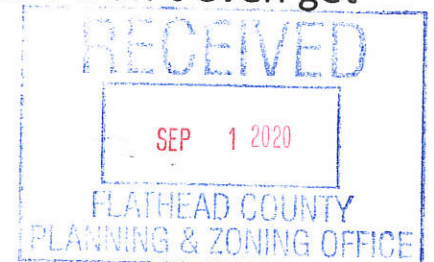
Skip Via
127 E. Bluegrass Drive, Kalispell
907 687 0799

To: BOA Re: FCU-20-04
From: Bev Dillon 83 Wendt Way Kalispell 755-2449

One of the more frightening aspects concerning the proposed asphalt and concrete batch plants at the Schellinger/Tutvedt gravel pit is the very real danger of fire. Because of their chemical composition, the components necessary for asphalt production can ignite and/or explode, resulting not only in the spread of fire, but extremely toxic fumes.

West Valley Fire Department has indicated that they could be at a fire at the proposed asphalt plant in a matter of minutes.

What they did not tell us is that this means one man with one vehicle could be there. THAT IS THE STANDARD. We really have no idea how long it would take a sufficient number of firefighters with adequate equipment to fight an explosion or fire at the proposed asphalt plant. It has been stated that such a fire would no doubt involve all 5 Kalispell fire stations sending full staff and equipment to fight such a blaze. I won't even get



into the fact that ongoing lack of trained personnel has recently closed one of those fire stations.

If there were to be a fire, there are two possibilities that are critical to consider. With the production and storage towers sitting on the floor of the mining pit, their tops would be close to natural ground level. If a fire or explosion were to occur at that level, embers, etc. would be critically close to the grasses covering the surrounding acreage. Great is the potential of a range fire burning over several hundred acres, as well as the six or seven houses in the adjacent residential tract.

The other factor to be considered is the foam fire fighting agent. Only the smallest of petrochemical fires can be effectively contained by the use of water. Two classes of foam

are typically used to fight most chemical fires. In spite of their efficiency to control and contain, these foams present a huge problem of their own. Foam acts to extinguish a fire by reducing surface tension and coating the burning material and trapping the volatile gasses and chemicals that are released by the burning oil. The water in the foam dissolves the soluble components of the oil and puts them into solution. Thus, the foam makes a perfect carrier for moving the chemicals into the surrounding soil. There is only 10-30 feet of permeable rock, sand, and gravel between the floor of the operation and the aquifer. Fighting a fire, with the essential use of foam, will cause irreparable damage to the aquifer and contamination of neighboring wells.

SEP - 1 2020

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Destructive range fire, and destruction of residences, and irreversible contamination of the aquifer are the assured result of a fire at the proposed asphalt batch plant.

One would think the chances of a fire are very small –After all, following DEQ and EPA regulations to control the chance of fire is a reasonable plan. As incredible as it seems, there is no regulatory or oversight by these organizations. Self-monitoring and compliance is left strictly to the discretion of the plant owners. I have to say that I have very little confidence that the owners of the gravel pit and proposed asphalt batch plant would contribute to maintaining fire safety. In fact, they have already shown they do not even follow the simplest of regulations set down by their conditional use permit. This is shown by the fact that they have NOT finished the required

earthen berm around the entire current and future mining operation (contrary to IV. B.5 of the BOA report dated August 4, 2020), nor have they built and maintained fencing around the entire perimeter of the property (IV.B.4). Restrictions limiting hours of operation are routinely not followed. As these simplest of requirements have not been met, I have no confidence that the owners will self-monitor themselves, and participate in not only maintaining a fire safe working environment, but in developing a working relationship with local residents, fire department and police to determine such things as fire evacuation routes, impact on the local school, traffic concerns etc.

It is my belief that a Heavy Industrial Facility (which is how this plant would be classified) is completely incompatible with the

surrounding residential/agricultural neighborhood, and is a fundamental threat to our quality of life, and has no place in a residential area. I believe there should be no adjustment or modification of the original permit language which states "Asphalt and concrete batch plant operations are prohibited".

This narrative was written by :

Bev Dillon

83 Wendt Way

Kalispell, MT 59901-6911

~~755~~ 755-2449

bev.dill@centurytel.net

Mary Fisher

From: Staceyb <staceyb@cyberport.net>
Sent: Tuesday, September 1, 2020 8:35 AM
To: Mary Fisher
Subject: Revised Planning Report #FCU08-07

I am concerned about the Revised Planning Report to the BOA. Please do not allow this!

The impacts on homeowner property is NOT ACCEPTABLE!

No way does an asphalt plant belong in a residential neighborhood. Would you want one in your neighborhood???

There is a huge risk of contaminating ground water.

There could be health risks to those living close by.

PLEASE DO NOT ALLOW THIS ASPHALT PLANT!!!

Sincerely,
Stacey Bengtson
West Glacier, MT



Mary Fisher

From: lazycpa@aol.com
Sent: Tuesday, September 1, 2020 7:45 AM
To: Mary Fisher
Subject: Asphalt Batch plant comments

Members,

As stated and referred to in the staff report . . .

"It also should be noted that Section 2.06.090 states, "The burden of proof for satisfying the criteria shall rest with the applicant and not the Board of Adjustment. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of Adjustment."

Since the operating permit is a matter of grace . . .

Please find the courage to do the right thing. It is the right thing to do and the only thing that matters to the grandchildren. You will be glad you did.

Thank you.

Citizen and Tax payer a few miles north of the property.

Stuart Halpern
Whitefish, MT 59937



Mary Fisher

From: robk@schellingerconst.com
Sent: Friday, August 28, 2020 11:48 AM
To: Mary Fisher
Subject: Letter from realtor Charles Lapp
Attachments: West Valley Residential Letter.docx

Please see the attached letter from Charles Lapp from RE/MAX Realty. It provides some insight into the property values of the West Valley Area that the board should be aware of. Can you please ensure they get a copy?

Thanks very much.

Sincerely,

Rob Koelzer
Safety & Operations Manager
Schellinger Construction Co, Inc.
406-892-2188
406-892-2187 FAX



Equal Opportunity Employer

RE/MAX Home Again Realty

2310 Hwy 2 East Ste 4

Kalispell MT 59901

Charles Lapp Broker/Owner

406-885-2002

lapp.charles@gmail.com



I have conducted research into the property sales and property values in the West Valley Corridor of Flathead County. The time frame being researched was from Mid 2010- Mid 2020. The area I used for this research is the area from just North of Reserve Drive on the south to the Kuhn's Wildlife Refuge on the north. I used Farm To Market Road as the center of the search area and went out from there a couple miles in each direction. I used all Residential Sales that were Closed between Mid 2010-Mid 2020 in this research. I also extended the research into properties that had transferred ownership more than once during this time frame. I did not make any adjustments for location, property type or style. I attempted to use all Residential Properties that Closed during this time period.

I compared the Closed Sales Price of the Residential Properties in this area and time frame against themselves, the Closed Sales in Flathead County as well as the entire MT Regional MLS System. By doing this it draws on the widest possible area for statistics and cannot be perceived as only using select areas to skew the results. During the time period from Mid 2010-Mid 2020 there were a total of 197 Residential Sales (this number may be changed by moving the boundary only slightly). They were in all price ranges starting at a low of \$85,000 to a high of \$1,500,000. It is very apparent that this West Valley Corridor has a wide range of property types, styles and values, much like the entire Flathead Valley and MT Regional MLS System.

RESEARCH:

From Mid 2010-Mid 2011 the Average and Median sale price of a Residential Property in the **West Valley Corridor** was A-\$269,485 & M-\$218,250 respectfully. The Square Foot Value was A-\$114 & M-\$110 . From Mid 2019-Mid 2020 the Average and Median sale price was A-\$511,170 & M-\$408,093. The Square Foot Value was A-\$184 & \$189. This indicates a substantial value increase during this time period. When looking at each statistical year between Mid 2010-Mid 2020, there was a continual rise in Residential Property values every year.

During the time period of Mid 2010-Mid 2011 the **Flathead Valley Residential** sales showed an Average and Median Value of A-\$267,871 & M-\$195,000. The Square Foot Value was A-\$121 & M-\$102. From Mid 2019-Mid 2020 the Average and Median sale price was A-\$444,320 & M-\$342,000. The Square Foot Value was A-\$211 & M-\$190. This shows that the West Valley Corridor used in this research increased at a higher rate than the rest of the Flathead Valley during the Mid 2010-Mid 2020 timeframe.

During the time period of Mid 2010-Mid 2011 the entire **MT Regional MLS System** shows a Median and Average sale price of A-\$211,617 & M-\$177,153. The Square Foot Value was A-\$68 & M-\$94. From Mid 2019-Mid 2020 the Average and Median sale price was A-\$342,950 & M-\$290,000. The Square Foot

Value was A-\$168 & M-\$154. Here again we see that the values have increased over time but not as dramatically as the West Valley Area used in this research.

The West Valley Corridor values are considerably higher during all time periods when compared to the Flathead Valley and the rest of the MT Regional MLS System and the values in the West Valley Corridor have increased by a larger margin than the other areas considered.

When looking at Residential Properties that had multiple sales during the 10 year period, there were none that declined in value during any of the Re-Sales. There were about 30 that sold more than once and 4 that sold 3 times during the time period we looked at. All of these homes showed an increase in value each time they sold.

CONCLUSION:

The statistics show that the Residential Properties that have sold in the West Valley Corridor used in this research have NOT experienced any loss in values during the time period from Mid-2010 to Mid-2020. The Sales of Residential Properties have been very robust during this time period and year over year there have been continued increases in Property values. This is evidenced by the homes that have sold more than once during this time period. I could not find any Residential properties that sold for less money when they were resold during this time period. The research also shows that the West Valley Corridor used in this research has higher property values than both Flathead Valley and the rest of the MT Regional MLS System, not only now but at all times during the time period used in this research.

Charles Lapp

AUG 28 2020

To: The Flathead County Board of Adjustments
Re: FCU-20-04, Tutvedt Gravel Pit – Batch Plant Amendment
Date: August 27, 2020



From: Walter & Christine Kroemer, 1979 Church Drive, Kalispell

We will be unable to attend the meeting on September 1st because we will be out of town.

We have reviewed the follow-up report recently submitted by the Planning and Zoning office. We are still of the opinion that there are errors in their report. First, the report is based upon the proposed use submitted by the applicant. The applicant is proposing what we would call a minimal use of an asphalt plant at this site, but the proposal is for an unconditional use under the CUP. We believe that this should require a report based upon the maximum possible use permitted under this application and not based upon the proposed minimal use because the applicant will not need to resubmit anything should they arbitrarily decide to change the output from the proposed use should they need to increase capacity because of job demand. Second, the use violates several conditions placed upon the current CUP by the court in its decision. Thirdly, this application is totally contrary to the zoning for the area and finally, there are additional errors in the Findings of Fact presented by the Planning and Zoning Office. We will address these issues below sequentially based upon the Finding of Facts presented by the Planning and Zoning Office.

Under **IV. CRITERIA REQUIRED FOR CONSIDERATION** there is a discussion of the zoning regulations with the conclusion, "Because this request is to modify one condition of approval of a previously approved Conditional Use Permit, review of the required criteria will exclusively focus on the requested change of the condition that asphalt and concrete batch plants or prohibited. In addition, the Findings of Fact will also concentrate exclusively on the request to modify that condition."

In the courts allowance of the CUP it stated that the court recognized the residential and agricultural nature of the zoning and use of the area. It allowed the extraction of gravel and a limited industrial use of crushing that gravel. It saw the relationship of gravel extraction to an agricultural use of the land. It also excluded the importation of material to the site for processing, thereby limiting the industrial-type usage of the site. The change to an asphalt plant and potentially a cement plant which are specifically prohibited in the court decision is a major change to the CUP as it changes the site to an industrial application. In addition, these usages will also require the importation of foreign material (asphalt and cement) for processing which was also forbidden in the court decision for the CUP.

Under **3. Absence of Constraints** ... Finding #3 –There does not appear to be environmental constraints on the property because it is not located within a Special Flood Hazard Area and there does not appear to be any other environmental constraints in the area. Ground contamination concerns appear to be addressed because the 2008 groundwater study concluded that the operation does not appear to adversely affect the water quality of the Lost Creek Fan aquifer; secondary containment of diesel fuel and asphalt oil will require storage tanks to be located within a secondary containment area lined with a chemical liner; and best management practices will be utilized to protect surface and groundwater from potential contamination.

Missing from this discussion is environmental impacts to the air quality which we will address in a later finding in greater depth.

Under **B. Appropriateness of Design** Items #4 & #5 - Fencing/Screening - According to the Flathead County Planning and Zoning Office report , the staff reports,” There is currently fencing around the perimeter of the property along with an earthen berm with vegetation. & There is currently an earthen berm with vegetation around the entire area of the current and future mining operation such that the operation is somewhat buffered from Farm to Market Road or adjacent properties.”

Currently, the earthen berm only exists partially on the west (Farm to Market Road) side of the current operation only. Properties to the north, northwest, south and east have a clear view of the operation. This is 10+ years after the operation was permitted and required the berm around the operation.

Under **C. Availability of Public Services and Facilities** Item #3 3. Storm Water Drainage

Storm water within the boundaries of the gravel extraction operation is directed toward settling ponds on the pit floor. The storm water on the remainder of the property is absorbed on the property.

Finding #9 – Sewer, water and storm water facilities appear to be appropriate because portable toilets are utilized as necessary, there is no other sewage treatment facility on the site; there is an irrigation well on the property that services both the mining operation and the agricultural use; storm water appears to be effectively managed on the site.

The water table exists less than 25 feet below the base of the excavation at this site and the subsurface is a permeable layer. Reports from neighbors to the south have shown a substantial increase in well water nitrates even as far south as the West Valley Pines subdivision off of Coclet Lane due to a leak on the Tutvedt property. The existing settling ponds are inadequate to mitigate or contain potential leaks of hazardous materials that would be brought to the site for operation of either an asphalt or a cement operation including hot oil, diesel and cement (which is highly alkaline). The gravel pit is located over the Lost Creek Fan. The Montana Bureau of Mines and Geology reports (LaFave, Smith & Patton, 2003 – Information Pamphlet 4) “In some local areas, however, nitrate concentrations that are elevated over background levels were detected that might suggest a surface source of contamination. One such area is northwest of Kalispell in the Lost Creek Fan, a relatively thick accumulation of glacial outwash, where confining units of till and glacial lake deposits may be locally absent and the deep alluvial aquifer may be vulnerable to surface contamination..” Any spill or release can have significant environmental impact on the water supply for numerous nearby residents and others further down on this water table.

Regarding **Finding #11** – There appears to be adequate availability of streets for the proposed use because the property is accessed via Farm to Market Road which is a major collector maintained by the State of Montana.

Accidents at or around the existing gravel operations has increased due to the hazards of slow moving traffic on Farm to Market Road and at the Church Drive intersection which is one of the feeder roads for trucks going to the site. In addition, truck traffic passing in front of West Valley School has created additional risks and also distractions due to Jake brakes. An additional increase in truck traffic in this area will likely create additional hazards and accidents. At a

minimum a new traffic study should be required to determine the adequacy of the current roads in the area to handle the additional truck traffic. It is appropriate here to note that a roundabout was placed at Reserve and Stillwater because of the traffic issue created by LHC facilities use of that road as one feeder road for their operations.

D. Immediate Neighborhood Impact

Finding #12 – Additional traffic generated by the proposed batch plant is expected to be minimal because the anticipated increase in traffic on Farm to Market Road is approximately 1.5% and the increase in traffic on Church Drive will be approximately 2%.

What is proposed is installing a 400 Ton per Hour asphalt plant. If this operates at or near capacity, the anticipated traffic load could be substantially larger than the proposed 75 – 100 trips per day or additionally 150 trips per day if a large project is secured. In addition, if the operator chooses to add a cement operation at the site as well which would be permitted, the traffic could increase substantially more (according to the applicant 30 trips per day). A thorough study should be completed based upon the permitted limits to determine the true potential increase in traffic if this permit change is to be considered for approval.

Finding #13 – The noise and vibrations generated by the proposed batch plant is anticipated to be minimal because there is already noise generation from the approved gravel operation. The earthen berm and hours of operation are designed to mitigate the noise and vibration impacts to nearby property owners.

Noise and vibration will increase because this change would be added to the existing operations. In addition, the increase in traffic will substantially increase the noise in the area. The area is zoned agricultural and residential not industrial. The addition of this change will negatively impact the neighborhood. Such an impact not only affects the quality of life of residents; it will also negatively impact their land values. Our house is ½ mile from this operation and we hear the current ongoing operation at this site from our house throughout the day. Also noted previously, the earthen berm does not surround the property. It only covers a portion of the western side of the property.

Finding #14 – The proposed uses are anticipated to have a minimal impact on the neighborhood as a result of dust, glare, heat smoke, fumes, or gas, or odors because the dust generated from existing gravel operation is controlled by active watering of the site and the 200-foot paved approach off of Farm to Market Road. It is there is a potential for impacts to surrounding property due to the odor associated with batching asphalt.

Following are several references googled of experts who disagree with the conclusion that the fumes will have minimal impacts:

Asphalt plants are known to produce **toxic** air pollutants, including arsenic, benzene, formaldehyde, and cadmium, that may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritation. A small asphalt plant producing 100 thousand tons of asphalt a year may release up to 50 tons of toxic fugitive emissions into the air. [Dr. R. Nadkarni] *Stagnant air and local weather patterns often increase the level of exposure to local communities.* In fact, most asphalt plants are not even tested for toxic emissions. The amounts of these pollutants that are released from a facility *are estimated by computers and mathematical*

formulas rather than by actual stack testing, estimates that experts agree do not accurately predict the amount of toxic fugitive emissions released and the risks they pose. According to Dr. Luanne Williams, a North Carolina state toxicologist, 40% of the toxins from asphalt plant smokestacks even meet air quality standards and for the other 60% of these emissions, the state lacks sufficient data to determine safe levels.

Asphalt Fumes are Known Toxins. The federal Environmental Protection Agency (EPA) states “Asphalt processing and asphalt roofing manufacturing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxics may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritation.” [EPA]. According to one health agency, asphalt fumes contain substances known to cause cancer, can cause coughing, wheezing or shortness of breath, severe irritation of the skin, headaches, dizziness, and nausea. [NJDHSS] Animal studies show PAHs affect reproduction, cause birth defects and are harmful to the immune system. [NJDHSS] The US Department of Health and Human Services has determined that PAHs may be carcinogenic to humans. [DHHS]

Health Impacts & Loss of Property Value. The Blue Ridge Environmental Defense League (BREDL), a regional environmental organization, has done two studies on the adverse impacts on property values and health for residents living near asphalt plants. A property value study documented losses of up to 56% because of the presence of a nearby asphalt plant. In another study, nearly half of the residents reported negative impacts on their health from a new asphalt plant. The door-to-door health survey found 45% of residents living within a half mile of the plant reported a deterioration of their health, which began after the plant opened. The most frequent health problems cited were high blood pressure (18% of people surveyed), sinus problems (18%), headaches (14%), and shortness of breath (9%). [BREDL]

According to this information, a 400 Ton per hour asphalt plant can be emitting 2.4 tons of toxic fumes per 12 hour day into the air. This is not an insignificant hazard. To put this amount of toxic emissions into a residential area is not only unconscionable; it is also totally in opposition to the West Valley Neighborhood Plan and the zoning for the area.

This is a major concern for my wife and me as my wife suffers from Lupus and Fibromyalgia. She is extremely sensitive to many chemicals and numerous foods. She has suffered from rashes and hives from various sources. Since we only live ½ mile from this site and winds are a part of life in West Valley, airborne toxic chemicals are a major concern. Also, we have put a lot of time, effort and expense into recently remodeling our 30+ year old home on Church Drive and have just recently moved back into it. Being recently retired, property values are a big concern. This concern is exacerbated by the potential that we might need to move again and sell this property should my wife's health be negatively impacted by the addition of an asphalt and potentially a cement plant at this site.

In addition, there is the issue of health costs due to the issues exacerbated by these environmental issues. We will be expected to bear those costs, not the plant operator who will only benefit from the operation of the plant.

Conclusion:

We strongly recommend the Board of Adjustments not approve this change to the CUP. The findings of facts prepared by the Planning and Zoning office are flawed. It appears only to take into account the proposal from Schellinger Construction for minimal use (initially) for an asphalt plant at this site and possibly a cement plant. It does not account for the plan to move a 400 ton/hour asphalt plant to this site and the potential for high usage of this plant.

The proposal to add an asphalt plant at this site is a change from agricultural related usage of this site (extraction of mined materials) to an industrial application for this site. This change is incompatible with the zoning for this site which is agricultural and residential. Any change to an industrial usage of this site should require new studies of the potential effects to the ground water, the air quality, and transportation issues related to this usage.

For these reasons which include, health risks, accident risks, property devaluation, a negative impact to quality of life for residents and current zoning – WV (West Valley), we believe the BOA should disapprove of this change.

Thank you for your time,

Walter & Christine Kroemer
1979 Church Drive

Mary Fisher

From: Walter Kroemer <kroemer@montanasky.net>
Sent: Thursday, August 27, 2020 10:32 AM
To: Planning.Zoning
Subject: Re: FCU-20-04, Tutvedt Gravel Pit – Batch Plant Amendment
Attachments: Asphalt - Sep 1 Kroemer.pdf

RE: A request by Rob Koelzer, Scliellinger Construction Company, for Section 16 Family Limited Partnership to modify a condition of approval of FCU-05-07. The condition requested to be modified is to allow the operation of a concrete and/or asphalt batch plant on an existing gravel extraction operation located at 3427 Farm to Market Road. The property contains approximately 160 acres and can be described as the northwest quarter of Section 16, Township 29 North, Range 22 West, P.M.M. Flathead County, Montana.

Attached is my letter in opposition to the change in the CUP.

Flathead County Board of Adjustment,

As in 2005, I am concerned about the hydrologic impacts for the proposed modifications regarding FCU-20-04, a request by Rob Koelzer, Schellinger Construction Company, for Section 16 Family Limited Partnership to modify a condition of approval of FCU-05-07.

This mine is located in the Lost Creek Fan area. Unless the anomalous findings of this region have since been ascertained, the community and the environment are still at risk during its operation.

Has the following information presented in the **Report of Findings for the Lost Creek Fan Nitrate Investigation, August-September 2006**, been updated or explained? From the report:

- Page 19, Fertilizer, paragraph 3 – A complicating observation is that well 193337, which has elevated nitrate, appears to be directly up-gradient of the center pivot. There are no known sources of nitrate up-gradient of 193337, and the $\delta^{15}\text{N}$ of 2.8‰ from this well does not indicate septic or animal waste contamination.
- Page 20, Fertilizer, paragraph 3 – Yet another confounding factor in identifying fertilizer as a nitrate source is that some wells within fertilized fields or immediately downgradient of fertilizer use do not show elevated nitrate concentrations. ...In addition, it would be expected that potential impacts from fertilizer would cause increasing nitrate concentration as water moves to the east and intersects more agricultural fields, however, this is not the case (see Figure 3). (In the report.)
- Page 21, Overall Conclusions, paragraph 1 – Nitrate concentrations remain elevated in the LCF aquifer. There is no obvious trend in nitrate concentrations, but concentrations do not appear to be decreasing.
- Page 21, Overall Conclusions, paragraph 3 – At this time, DEQ has not determined the source or sources of elevated nitrate concentrations in various regions of the Lost Creek Fan, although DEQ has ruled-out some sources for certain wells.

Have the following statements made by Laura Alvey (environmental specialist with the Montana DEQ) in the Daily Inter Lake article, **“Nitrate plume confounds experts”**, been examined since and answers made known? Article accounts:

- However, Alvey said there was no clear pattern of pollution.
- Alvey said this is the largest nitrate plume she’s aware of in Montana, “All of the other plumes I deal with are smaller and have an obvious point source,” she said.

Other distressing negative impacts associated with this amendment: noxious chemical emissions recognized to be persistent and bio-accumulative in the environment; exposure to numerous public health hazards; loss of property values; loss of residential quality of life; increased industrial vehicle traffic; increased noise pollution; increased particulate matter; and potential risks linked to chemicals/materials being stored on-site and transported.

I ask that you **deny** the applicant’s request mentioned above and uphold the Montana Supreme Court decision prohibiting asphalt batch plants and concrete plants.

Respectfully,

Ginny Coyle – Kalispell



Mary Fisher

From: Ginny <a360degree.view@gmail.com>
Sent: Thursday, August 27, 2020 10:08 AM
To: Planning.Zoning
Subject: Comment for Sept. 1, 2020 BOA Meeting - Item 2. FCU-20-04
Attachments: 2020-08-27 BOA comment.pdf

I have attached my comment.

Ginny Coyle
Kalispell

Mary Fisher

From: bpdavis2@gmail.com
Sent: Monday, August 24, 2020 7:02 PM
To: Planning.Zoning
Subject: Comment - Asphalt Plant

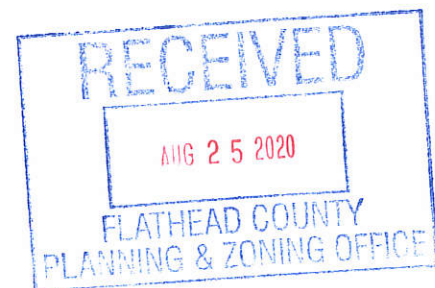
Hi Mark,

I write to submit public comment regarding the proposed asphalt plant in West Valley on the corner of Farm to Market and Church Drive. Our family members live on the NE corner of this intersection at 3575 Farm to Market Road, right across the street from the proposed project. As we had dinner there the other night on the deck we were looking with a clear view over the entire site and pondering the possibilities. I would like to make three points regarding the staff report and the project.

1. The neighbors to this property had every right to expect a project like this would never be built. It was specifically prohibited as a condition of the original gravel plant permit, and west valley is considered a "residential area". As time has gone on, there are now subdivisions and other increased residential uses in the immediate vicinity. The asphalt operation was determined to be an incompatible use at the time, and it is more so now. The neighbors to this property are realistically looking at a significant deterioration of the value of their property as a result of this reversal of established policy, and significant harm financially and to quality of life. Preventing this situation is the very reason that zoning regulations exist to begin with.
2. The proposed finding of fact #14 is stating something about the negative impacts, but to put it in a more concise way: *there is no way to make an asphalt plant not produce significant fumes, odors, noise and vibrations*. These neighborhood impacts cannot be mitigated or conditioned. As such, this is not a suitable location for this project.
3. The truck traffic is also an issue beyond the impacts described above. Nobody wants to have even more trucks driving up and down next to their property. These trucks have their own fumes, odors, noise and vibrations.

There are many other places in the valley where this proposed asphalt plant can be located that would not have the same neighborhood impacts. The owners should seek those locations, and this CUP should be denied.

Sincerely,
Ben Davis



Mark Mussman

From: Gallagher Barbara <barbaragallagher4g@gmail.com>
Sent: Monday, August 24, 2020 5:51 PM
To: Mark Mussman
Cc: McCartney Babby
Subject: Asphalt



I am a neighbor on Farm to Market Road.
I adamantly oppose this plant.
PLEASE do not allow this to be built. Please!

The gravel pit that is currently there was opposed by the neighbors. When it was built, we were promised no further activity would be permitted.

I beg you to respect those of us whose lives are most impacted.

Please vote against an asphalt plant.

You now have a chance to do the moral, responsible thing. Please!

Barbara Gallagher

Mark Mussman

From: Mary Fisher
Sent: Friday, August 21, 2020 7:27 AM
To: Mark Mussman
Subject: FW: Asphalt plant



From: Scott & Vonnie McDonald <mcdonald1300@gmail.com>
Sent: Thursday, August 20, 2020 9:24 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Asphalt plant

To: Flathead County Board of Adjustments
Date: August 3, 2020

I am a resident of West Valley and also a middle school teacher at West Valley School. I am writing in strong opposition to Schellinger Construction Company's request to modify their permit to allow for the operation of a concrete and/or asphalt batch plant on the existing gravel extraction operation located at 3427 Farm to Market Road.

As a teacher at West Valley School, I am very concerned about the health and safety risks that this plant would pose to the students of West Valley and our community as a whole. The staff report lacks important information about the toxic pollutants and carcinogens in fumes produced by asphalt plants. I am very concerned about the chemicals that will potentially be released into the air, soil and aquifer and the long term health effects of these toxins on our community.

The health of the community should be the first priority in making a decision of this magnitude. An asphalt plant of this nature does not belong in a residential area or close to a school, and I ask that you deny the request for this modification.

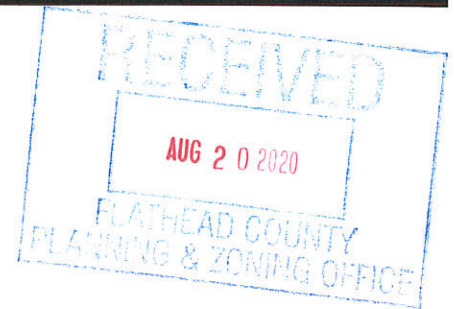
Thank you for your time and consideration.

Vonnie McDonald
1300 Lost Creek Drive
Kalispell, MT

SCANNED

Mark Mussman

From: Brooks McC <brooks.m@live.com>
Sent: Wednesday, August 19, 2020 8:54 PM
To: Mark Mussman
Subject: Opposed to West Valley asphalt plant



Dear Mark Mussman,

I am writing to let you know that I oppose the proposed asphalt plant in West Valley. The asphalt plant is in the middle of a residential area. There is a new subdivision right next door and a school a few miles down the street. It seems like approving the asphalt plant would only benefit a few and greatly negatively impact the many people that not only live in the West Valley area but drive the Farm to Market Road to get to work (traffic from large trucks). Please consider the residents of this area and how living next to an asphalt plant would effect them.

Sincerely,

Brooks McCartney
Whitefish, MT

Sent from my iPhone

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